

OCT 28 2005

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

SECRETARIAT

2005 OCT 28 P 1:15

In the Matter of )

MUR 5617 )

RUSK COUNTY DEMOCRATIC PARTY )

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

and are deemed inappropriate for review by the Alternative Dispute Resolution

Office are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated

matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to

dismiss these cases.

The Office of General Counsel scored MUR 5617 as a low-rated matter. In this case

the respondents deny they were responsible for the placement of the signs at issue in the

complaint. In light of the de minimis nature of the allegations and reviewing the merits of

MUR 5617 in furtherance of the Commission's priorities and resources relative to other

matters pending on the Enforcement docket, the Office of General Counsel believes that the

Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler*

*v. Chaney*, 470 U.S. 821 (1985).


**RECOMMENDATION**

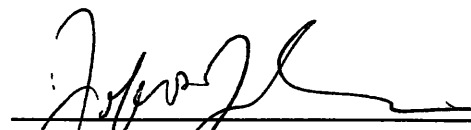
The Office of General Counsel recommends that the Commission dismiss MUR 5617, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

James A. Kahl  
Deputy General Counsel

10/28/05  
Date

BY:

  
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Gregory R. Baker  
Special Counsel  
Complaints Examination  
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Complaints Examination  
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Attachment:  
Narrative in MUR 5617

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5 **MUR 5617**

6  
7 **Complainant:** Rusk County Republican Party &  
8 Dan Hanson, Chairman  
9

10 **Respondents:** Rusk County Democratic Party &  
11 Kerry-Edwards 2004 Inc.  
12

13 **Allegations:** The complainants allege that the Rusk County Democratic Party, and  
14 possibly its members, displayed "Kerry – Edwards" signs without affixing the  
15 appropriate disclaimers. The two signs at issue in the body of the complaint appear to be  
16 hand painted and are located on the side of a highway. Additionally, the complainants  
17 attach a letter that refers to signs located at The Center for Sustainable Arts ("CSA").  
18 One sign at CSA appears to be identical to the Kerry-Edwards signs found on the side of  
19 the highway. A second sign at CSA is critical of George Bush with the slogan  
20 "Billionaires for Bush," while a third sign appears to be a professionally printed Kerry-  
21 Edwards sign located at the entrance of the facility.  
22

23 **Office of General Counsel Notation:** The complainants attached a letter to their  
24 complaint that they sent to the Director of the CSA concerning the potential Federal  
25 Election Campaign Act violations arising from the signs found on CSA premises.  
26 Specifically, the complainants note that in addition to potential tax issues raised by the  
27 signs there are also disclaimer violations. In light of the fact that the allegations in the  
28 complaint were directed at the Rusk County Democratic Party this Office did not send  
29 notification letters to the various landowners whose properties were used to display the  
30 signs.  
31

32 **Responses:** The respondents deny any involvement in the placement of the signs at issue.  
33

34 **Date complaint filed:** November 22, 2004  
35

36 **Responses filed:** December 17, 2004 and January 18, 2005